

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:23-cv-00328-CSD

Order

Re: ECF No. 11

ANTHONY WATTS,

Plaintiff

v.

KOS MEDIA LLC,

Defendant

Before the court is Plaintiff's motion for extension of time to file an opposition to Defendant's motion to remand. (ECF No. 11.)

Plaintiff filed this action in state court alleging that an "anonymous posting" on Kos Media's website, The Daily Kos, reveals personal information about Plaintiff in violation of Nevada Revised Statute (NRS) 41.1347.

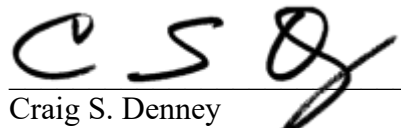
Defendant removed this matter from state court (ECF No. 1), and Plaintiff has concurrently filed a motion to remand (ECF No. 10). In the motion for an extension of time to respond to the motion to dismiss, Plaintiff argues that if the court remands this action, then the motion to dismiss becomes moot. As such, Plaintiff requests an extension of 14 days from the date of any decision on the motion for remand to file a response to the motion to dismiss.

Defendant's motion to dismiss is based on the assertion that Nevada's statute expressly incorporates immunity for an "interactive computer service" under the Federal Communications Decency Act, and that it is clear from the face of the complaint that the alleged action comes within the express statutory immunity. It further argues that Plaintiff does not state a claim for relief. (ECF No. 6.)

1 The court does not see how the motion to dismiss becomes moot if the court were to
2 remand this matter to state court. Instead, the state court would decide the motion. Moreover,
3 Plaintiff waited until the day his response to the motion to dismiss was due to request an
4 extension of time. For these reasons, Plaintiff's motion for an extension of time (ECF No. 11) is
5 **DENIED**. Plaintiff has up to and including **August 3, 2023**, to file his response to Defendant's
6 motion to dismiss.

7 **IT IS SO ORDERED.**

8 Dated: July 27, 2023

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10 Craig S. Denney
11 United States Magistrate Judge
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